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6 Attorneys for Plaintiff  
7 United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

FRANK JONATHAN GUZMAN, and  
JOSE CRUZ IVAN AISPURO

## Defendants.

CASE NO. 2:19-CR-232-JAM

**STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER**

DATE: March 28, 2023

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

## STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 28, 2023.

2. By this stipulation, the parties request to continue the status conference to **May 9, 2023**.

at 09:00 a.m., and to exclude time between March 28, 2023, and May 9, 2023, under 18 U.S.C.

§ 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case

includes approximately 928 pages of investigative reports, photographs, and other documents, as

1 well as multiple video and audio recordings. All of this discovery has been either produced  
2 directly to counsel and/or made available for inspection and copying.

3 b) On February 9, 2023, the Court signed an order substituting Attorney John R.  
4 Manning as counsel of record for defendant Frank Guzman in place of prior defense counsel  
5 Kelly Babineau. Mr. Manning is new to this case and needs time to review the discovery and  
6 meet with his new client.

7 c) In addition, counsel for both defendants need additional time to review the  
8 discovery, meet with their clients to assess the discovery, conduct necessary investigation,  
9 conduct legal research into trial issues and sentencing issues, discuss potential resolutions with  
10 their clients, and otherwise prepare for trial.

11 d) Counsel for defendants believe that failure to grant the above-requested  
12 continuance would deny them the reasonable time necessary for effective preparation, taking into  
13 account the exercise of due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the  
16 case as requested outweigh the interest of the public and the defendant in a trial within the  
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
19 et seq., within which trial must commence, the time period of March 28, 2023, to May 9, 2023,  
20 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] on  
21 the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
22 best interest of the public and the defendant in a speedy trial.

23 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
24 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
25 must commence.

26 IT IS SO STIPULATED.

1 Dated: March 9, 2023

PHILLIP A. TALBERT  
United States Attorney

5 Dated: March 9, 2023

6 /s/ DAVID W. SPENCER  
7 DAVID W. SPENCER  
8 Assistant United States Attorney

9 Dated: March 9, 2023

10 /s/ John R. Manning  
11 John R. Manning  
12 Counsel for Defendant  
13 FRANK JONATHAN  
14 GUZMAN

15 Dated: March 9, 2023

16 /s/ David W. Dratman  
17 David W. Dratman  
18 Counsel for Defendant  
19 JOSE CRUZ IVAN AISPURO

13 **FINDINGS AND ORDER**

14 IT IS SO FOUND AND ORDERED.

16 Dated: March 10, 2023

17 /s/ John A. Mendez  
18 THE HONORABLE JOHN A. MENDEZ  
19 SENIOR UNITED STATES DISTRICT JUDGE